

DRAFT Rural Home Occupation Ordinance, Rural Enterprises Task Force

18.406.020 PROVISIONS APPLYING TO SPECIAL USES

I. HOME OCCUPATIONS, GARAGE SALES, AND BED AND BREAKFASTS

1. Home Occupations---Rural. ~~General~~.

A. Purpose. The purpose of this section is to protect the integrity of rural zoning districts of Clark County while allowing the use of rural lands for rural home occupations. This chapter establishes approval criteria and standards to ensure that home occupations are conducted as lawful uses that allow for economic development in rural areas compatible with the use of neighboring properties.

B. Applicability and Exemptions

1. Applicability. All rural home occupations not exempt pursuant to this section shall be subject to the standards specified in this chapter. A rural home occupation refers to any home business located in Rural Districts (R), Rural Center Residential Districts (RC-1, RC-2.5), or Forest and Agriculture Districts (FR-80, FR-40, AG-20, AG-WL).

2. Exemptions. The following uses are exempt from the provisions of this chapter:

- a. Yard sales or garage sales, as designated in Subsection 18.406.020(I)();
- b. Bed and breakfast establishments as designated in Subsection 18.406.020(I)();
- c. Hobbies which do not result in financial gain to those engaged in such activity;
- d. Permitted home occupations established prior to the effective date of this ordinance;
- e. Agriculture and forest uses on resource parcels;
- f. Existing agriculture and forest uses on Rural parcels equal to or larger than 5 (five) acres; and
- g. Any specific rural business activity otherwise regulated under Chapter 18.406.020, Provisions Applying to Special Uses.

C. Definitions

1. Activity area.  "rural home occupation activity area."

2. Equipment. "Equipment" means any free-standing piece of equipment with a gross vehicle weight of 15,000 pounds or greater that is used for the purpose of a home occupation and that is typically transported to job sites by a vehicle. The term shall include "equipment" that is motorized or non-motorized, stationary or self-propelled. The term "equipment" shall not include small hand tools or manually-operated and portable tools commonly found in professional trades. Larger tools or pieces of machinery that are permanently located within an accessory structure shall not be counted as "equipment" for the purposes of this ordinance.

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3. Outdoor Storage. "Outdoor storage" means the outdoor holding of machinery and small equipment (not defined as equipment in this section) and any materials or merchandise used or associated with a home occupation.

4. Rural home occupation. A "rural home occupation" is a business activity which 1) results in financial gain from a product or service, 2) which is conducted by at least one family member occupying the dwelling, and 3) is conducted partially or wholly within the residence and/or accessory structure on the subject rural property.

5. Rural home occupation activity area. A "rural home occupation activity area" (hereafter "activity area") means an outside area used in conjunction with a rural home occupation, including but not limited to, parking areas used for business vehicles and equipment, areas used for loading and unloading, worker or client parking areas, and areas used for outdoor storage, if allowed.

6. Trailer. A "trailer" is a non-motorized vehicle that is licensed by the state for road use that is used exclusively, or in part, for the purpose of a home occupation. Trailers equipped by the manufacturer as combination tractor-trailers shall not be counted as a separate trailer, but shall be considered together with their tractor a part of a single vehicle.



7. Vehicle. For the purposes of this ordinance, "vehicle" means any motorized vehicle licensed by the state for road use that is used exclusively, or in part, for the purpose of a home occupation. A vehicle equipped by the manufacturer to serve as a combination tractor-trailer shall be counted as a single vehicle.

D. General Standards and Provisions

The following standards and provisions shall apply to all rural home occupations in Clark County:

1. Home occupations shall be owned and operated by a resident owner or renter of the property who occupies the property as their principal residence.

2. A home occupation permit may cover more than one business as long as such businesses in combination do not exceed the standards in this ordinance.

3. The maximum home occupation use of a residence shall not be greater than 25 percent of the habitable gross floor area of the residence or exceed a total of 1,000 square feet, whichever is less. Habitable floor space includes a basement, but does not include a detached or attached garage. Additional standards for accessory structure size are included in Subsections (E) and (F).

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4. One sign related to the home occupation of two square feet or less. A separate sign permit is not needed if included with the rural home occupation permit application.

5. Adult entertainment enterprises as defined in Chapter 5.45 are prohibited as home occupations.

E. Home Occupations -- Incidental

1. Home occupations that meet the requirements of Subsection (D) above and those below shall qualify as incidental home occupations:

- a. Minimum lot size: None.
- b. Accessory structures: Incidental home occupation use of accessory structures is limited to a maximum of 600 square feet. All home occupation activities shall be contained within the principal residence or within legally permitted accessory structures. Attached and detached garages are accessory structures for purposes of this section.
- c. Activity area: Need not be defined.
- d. Non-resident workers: Maximum three (3) workers.
- e. Hours of operation: No limitations.
- f. Outside storage: Not permitted.
- g. Vehicles, equipment and trailers: Storage of one (1) vehicle associated with the home occupation is permitted.
- h. Parking: One additional parking space is required for each non-resident worker. Parking is not permitted on public roads.
- i. Non-resident traffic: An increase of up to six (6) total round trips per day by non-residents is permitted.
- j. Retail sales are allowed.

2. A permit is not needed for an incidental home occupation. Should an operator of an incidental home occupation expand operations in a manner that may exceed any of the performance standards in Subsection (E)(1), the operator shall obtain a home occupation permit.

F. Home Occupations—Permitted.

1. Home occupations that meet the requirements of Subsection (D) above, Table 18.406.020(I)-1, and this subsection shall qualify as permitted home occupations:
- a. Minimum lot size: The minimum lot size for a permitted home occupation is 2.5 acres.
 - b. Accessory structures: See Table 18.406.020(I)-1
 - c. Activity areas: Activity areas shall be visually screened from adjacent residences either by existing vegetation, terrain, or sight obscuring landscape/screening methods to at least an L3 standard as established in Chapter 18.402A, and shall be setback a minimum of fifty (50) feet from any property line. Except where existing vegetation and

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1 terrain provide a sight-obscuring barrier, landscaping and screening shall be located on
2 the subject property. Required landscaping and screening shall be the responsibility of
3 the applicant or operator.

4 d. Non-resident workers: See Table 18.406.020(I)-1.

5 e. Hours of operation: The hours of operation for home occupations shall fall between
6 the hours of 7:00 AM and 8:00 PM.

7 f. Outside storage: See Table 18.406.020(I)-1.


8 g. Vehicles, equipment and storage: See Table 18.406.020(I)-1.

9 h. Parking: One additional parking space is required for each non-resident worker. All
10 parking shall be within the activity area. Parking is not permitted on public roads.

11 i. Non-resident traffic: See Table 18.406.020(I)-1.

12 j. Retail sales for goods produced on-site are allowed.

13
14 2. a. Except as specified in Subsection (F)(2)(b) below, a permitted rural home
15 occupation shall require a permit processed by means of a Type I procedure, as governed
16 by Section 18.600.060, after a demonstration that the proposal complies with all
17 development and performance criteria in this section.

18
19 b. If a permitted home occupation is to be located on a private road or easement which
20 also serves other properties, the home occupation shall require a permit processed by
21  ns of a Type II procedure, as governed by Section 18.600.060 after a demonstration
22 that the proposal complies with all development and performance criteria in this section.
23 A pre-application conference is required for a Type II home occupation.

24
25 c. If the requirements of Subsection (F)(2)(b) above are otherwise met, a Type I
26 procedure, as governed by Section 18.600.060 may be used if the applicant provides
27 evidence that no owner of any property whose access is also the private road or easement
28 objects to the use of the private road or easement for the proposed home occupation. Such
29 evidence shall include any agreement for additional road maintenance necessitated by the
30 impacts of the proposed home occupation. Neighbor notification requirements are set
31 forth in Subsection (I).

32
33 3. If an applicant for a home occupation cannot meet the standards set forth in Table
34 18.406.020(I)-1 or setback requirements stated in Subsection (F)(1)(c), then the operator
35 may seek an administrative variance using the Type II procedure, as governed by Section
36 18.501. Variances will not be granted for parcel size.

37
38 4. Permitted home occupations are subject to the applicable requirements of Chapter
39 18.402A.

40 41 42 43 44 **G. Performance Standards.** 45

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1. Rural businesses shall comply with all state and county regulations governing nuisance effects, including Chapter 9.24 Nuisances, and with the following standards:

- a. Noise: Rural home occupations shall comply with state maximum environmental noise levels as defined in WAC Chapter 173-60.
- b. Odors, lighting, glare, dust, smoke and vibration: Rural home occupations shall not cause external effects such as offensive odors, increased lighting or glare, dust, smoke, or vibration detectable to normal sensory perception at the property line.
- c. Electromagnetic radiation and line fluctuation: Any business activities or use of equipment that creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited.

2. As necessary, all home occupations shall obtain valid building permits for all dwellings and accessory structures. All rural home occupations shall meet public safety requirements of the Uniform Building Code and Uniform Fire Code.

3. Any use of hazardous material or disposal of hazardous waste by rural home occupations shall comply with all applicable federal, state and local regulations. Rural home occupations shall not discharge any liquids or gases in violation of any federal, state or county regulations, including such discharges into private septic systems.

4. A rural home occupation permit shall become invalid should either of the following occur:

- a. An applicant/operator re-locates his or her residence.
- b. The county finds that a rural home occupation has failed to comply with the general provisions and standards of this chapter or with the performance standards required by the permit.

H. Submittal Requirements. An applicant for a home occupation will submit materials as required by CCC Chapter 18.402A and by Subsection F of this chapter.

I. Public Notification.

1. An applicant for a home occupation permit for a property located along a private road or easement using the exception (Type I) provision in Subsection (F)(1) above must provide evidence that all property owners that share subject private road or easement have been notified prior to submission of a completed application. Notification must include the following information:

- a. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any;
- b. A description of the proposed business; private road(s) or easement(s) to be used; the number, type, and gross vehicle weight of business vehicles that will use private road(s) and easement(s);

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- c. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
 - d. A map showing the subject property in relation to other properties or a reduced copy of the site plan showing the approximate size and location of all buildings and business activity areas;
 - e. The name and telephone number of the county representative to contact about the application; and
 - f. A statement of the comment period indicating that notified parties have the right to comment on or object to the application, request a copy of the decision once made, and any appeal rights. The statement shall indicate that written comments received by the county within fifteen (15) calendar days from the date of the notification will be considered.
2. Notification shall be on a form provided by the county.
 3. The county shall process the home occupation application using a Type II process if there is any documented objection by those sharing the private road or easement as a result of the applicant's public notification efforts.

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TABLE 18.406.020(I)-1. RURAL HOME OCCUPATION REQUIREMENTS

| Lot size (acres) ¹ | ≥ 2.5 & < 5 | ≥ 5 & < 7.5 | ≥ 7.5 & < 10 | ≥ 10 & < 15 | ≥ 15 & < 20 | ≥ 20 |
|---|----------------|----------------|-----------------|----------------|----------------|-------|
| Allowable sq. ft. use of accessory structures ² | 1,250 | 1,500 | 1,750 | 2,000 | 2,500 | 3,000 |
| Maximum number of non- resident employees ³ | 2 | 2 | 3 | 4 | 4 | 5 |
| Allowable outside storage ⁴ (sq. ft.) | 500 | 1000 | 1000 | 1,500 | 2,000 | 3,000 |
| Maximum number of vehicles ⁴ | 1 | 2 | 2 | 3 | 3 | 4 |
| Maximum number of trailers ⁴ | 1 | 2 | 2 | 2 | 3 | 4 |
| Maximum number of pieces of equipment ⁴ with GVW ⁵ of 15,000 lbs of more. | 1 | 2 | 3 | 3 | 4 | 5 |
| Maximum number of trips per day (roundtrips) | 6 | 8 | 10 | 12 | 12 | 14 |

Footnotes:

¹ Parcels in contiguous ownership may be added together for purposes of determining parcel size.

² Accessory structures are defined in 18.104.025.

³ Includes contract employees and full-time employee equivalents.

⁴ Must be within the activity area.

⁵ GVW means Gross Vehicle Weight as established by the equipment manufacturer.